

SECTIONS 3946, 3951, AND 3954 OF THE REVISED STATUTES  
OF THE UNITED STATES.

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M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TO THE

*House of Representatives, assigning reasons for withholding his approval  
of House bill No. 2684.*

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JULY 20, 1876.—Referred to the Committee on the Post-Office and Post-Roads and  
ordered to be printed.

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*To the House of Representatives :*

I have the honor to return herewith without my approval House bill No. 2684, entitled "An act to amend sections 3946, 3951, and 3954 of the Revised Statutes."

It is the judgment of the Postmaster-General, whose report accompanies this message, that if this bill should become a law in its present form it would fail to give effect to its provisions.

The remedial suggestions in his report are respectfully recommended to your attention.

U. S. GRANT.

EXECUTIVE MANSION, *July 20, 1876.*

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POST-OFFICE DEPARTMENT,  
*Washington, D. C., July 19, 1876.*

SIR: I have the honor to return herewith House bill No. 2684, to amend sections 3946, 3951, and 3954 of the Revised Statutes, with the following objections thereto:

The sections of the Revised Statutes which this bill proposes to amend were substantially repealed by the 12th section of the act entitled "An act making appropriations for the service of the Post-Office Department, for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874. The sections of the Revised Statutes numbered as indicated in the bill were enacted as sections 246 and 251 of the "Act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872. These sections were subsequently embodied in the revision of the statutes.

If the accompanying bill should become a law in its present form, it would, in my judgment, fail to give effect to its provisions. The bill is a very important one for the service of the Post-Office Department. Efforts have been made for four or five years past to induce Congress to pass just such a law. To break up the vicious system of straw-bidding, this bill would be very valuable, and I regret exceedingly that a mistake should have been made in the title and enacting clause which will render its provisions inoperative.

I therefore suggest that the attention of the House, in which it originated, shall be called to the defects in the bill explained above, and to enable that body to understand very fully what, in my judgment, would be required to perfect it I would suggest that the title should read, "A bill to amend subsections 246 and 251 of section twelve, of an act entitled 'An act making appropriations for the service of the Post-Office Department, for the fiscal year ending June 30, 1875, and for other purposes,' approved June 23, 1874; and also to amend section 3954 of the Revised Statutes;" and that the enacting clause of the bill should be changed in conformity therewith.

I have the honor to be, with great respect, your obedient servant,  
 JAS. N. TYNER,  
*Postmaster-General.*

THE PRESIDENT OF THE UNITED STATES,  
*Washington, D. C.*

Forty-fourth Congress of the United States, at the first session, begun and held at the city of Washington, in the District of Columbia, on Monday, the sixth day of December, eighteen hundred and seventy-five.

AN ACT to amend sections thirty-nine hundred and forty-six, thirty-nine hundred and fifty-one, and thirty-nine hundred and fifty-four of the Revised Statutes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections three thousand nine hundred and forty-six and three thousand nine hundred and fifty-one of the Revised Statutes be amended to read as follows:

"SEC. 3946. That before the bond of a bidder, provided for in the aforesaid section, is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond, and as a part thereof, there shall be a series of interrogatories in print or writing, to be prescribed by the Postmaster-General, and answered by the sureties under oath, showing the amount of real estate owned by them, a brief description thereof, and its probable value; where it is situated; in what county and State the record evidence of their title exists. And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section, he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury.

"SEC. 3951. That after any regular bidder, whose bid has been accepted, shall fail to enter into contract for the transportation of the mails, according to his proposal, or, having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract, as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder or bidders, in the order of their bids, for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid or bids too high; and in case each of said bids shall be considered too high; then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall re-advertise such route. And if any bidder, whose bid has been accepted, and who has

entered into a contract to perform the service according to his proposal, and, in pursuance of his contract, has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high,) who will enter into contract, and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; and in case said next lowest bidder shall decline to enter into contract for the performance of such service, then the Postmaster-General may award the service to, and enter into contract with, any person, whether a bidder on said route or not, who will enter into contract to perform the service and execute a bond of like tenor and effect as that required of bidders, in a penalty to be prescribed and with sureties to be approved by the Postmaster-General for the performance of the service contracted to be performed, at a price not exceeding that named in the bid of the said next lowest bidder; and, if no contract can be secured at the price named in said next lowest bid, then the Postmaster-General shall proceed to secure a contract, at a price not considered too high, with any person who will execute such contract in accordance with the law applicable thereto, giving, in all cases, the preference to the regular bidders on the list whose bids do not exceed the price at which others will contract therefor; and, if no satisfactory contract can be thus secured, the route shall be re-advertised. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route without advertisement, for such period as may be necessary, not in any case exceeding six months, until the service shall have commenced under a contract made according to law: *Provided, however,* That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding contract term. And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms, for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster-General. And that section thirty-nine hundred and fifty-four of the Revised Statutes be amended to read as follows:

"Any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form to perform the service described in his or their bid or proposal, or having entered into such contract, shall wrongfully refuse or fail to perform such service, shall, for any such failure or refusal, be deemed guilty of a misdemeanor, and be punished by a fine of not more than five thousand dollars, and by imprisonment for not more than twelve months. And the failure or refusal of any such person or persons, to enter into such contract in due form, or, having entered into such contract, the failure or refusal to perform such service shall be *prima facie* evidence in all actions or prosecutions arising under this section that such failure or refusal was wrongful."

MILTON SAYLER,

*Speaker of the House of Representatives pro tempore.*

T. W. FERRY,

*President of the Senate pro tempore.*

I certify that this act originated in the House of Representatives.

Attest:

GEO. M. ADAMS, *Clerk.*

# RESOLUTIONS OF THE AMERICAN MEDICAL ASSOCIATION

ADOPTED AT THE ANNUAL MEETING HELD AT CHICAGO, ILL., MAY 1, 1914

## PRESIDENT OF THE UNITED STATES

TO THE HONORABLE SENATOR FROM THE STATE OF ILLINOIS

SIR: I have the honor to acknowledge the receipt of your letter of the 24th inst.

in relation to the proposed amendment to the National Medical Act, and in reply to inform you that the same has been referred to the Committee on the Judiciary.

The Committee on the Judiciary has the honor to acknowledge the receipt of your letter of the 24th inst.

in relation to the proposed amendment to the National Medical Act, and in reply to inform you that the same has been referred to the Committee on the Judiciary.

Of the fact that the public health is a matter of national importance, and that the medical profession is a body of men and women who are dedicated to the service of the public, the Committee on the Judiciary is fully aware.

A similar resolution is now in the process of being introduced in the Senate.

The Committee on the Judiciary has the honor to acknowledge the receipt of your letter of the 24th inst.

The Committee on the Judiciary has the honor to acknowledge the receipt of your letter of the 24th inst.